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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,143	06/25/2001	Peter Kamvysselis	EMS-01701	8831

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EXAMINER

TANG, KENNETH

ART UNIT	PAPER NUMBER
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2127

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,143

Applicant(s)

KAMVYSSELIS ET AL.

Examiner

Kenneth Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/04/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-25 are presented for examination.

Specification

2. Applicant is required to update the Cross Reference to Related Applications section (1st paragraph) of the specification to include the current status of related applications.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention:

- a. The following term lacks antecedent basis:
 - i. Claim 7 recites the limitation "the device" in line 6 and "the link id" in line 9. There is insufficient antecedent basis for these limitations in the claim.
- b. The following claim language is indefinite:
 - i. In claim 1, "a device associated with the communication device" (line 5) is indefinite because it is not made explicitly clear in the claim language whether this is the same as "a device associated with the communication device" (line 1) or if a new device associated with a communication device is being introduced.

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ii. In claim 1, “device records” and “job records” are indefinite because it is not made explicitly clear in the claim whether these belong to the “device” or the “communication device”, or to both.

iii. In claim 7, “at least portion” is indefinite because it is grammatically incorrect and doesn’t make any sense.

iv. In claim 10, “shared pointer” and “shared parameters” are indefinite because it is not made explicitly clear in the claim language what is being shared.

v. Claim 17 is rejected for the same indefinite reasons as stated in the rejection of claim 1 above.

vi. Claim 23 is rejected for the same indefinite reasons as stated in the rejection of claim 7 above.

¶ The following omit essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP

§ 2172.01. The omitted structural cooperative relationships are:

i. In claims 10 and 14, there is no structural relationship between “accessing device information” (in preamble) to any of the fields listed in the body of the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Poublan et al. (hereinafter Poublan) (US 4,104,718).

3. As to claim 10, Poublan teaches a device record that facilitates remotely (with peripheral devices) accessing device information (*col. 11, lines 13-15, col. 1, line 36*), comprising:

an active job pointer field (*col. 12, lines 30-32*);

a job count field (*col. 12, line 36*);

a constants field (*col. 13, lines 27-28*);

a shared pointer (*col. 13, lines 35-37*); and

a shared parameters field (*col. 13, lines 37-42*).

4. As to claim 11, Poublan teaches wherein at least one of the device records includes a pointer to one of the job records corresponding to an active job (*col. 12, lines 30-32 and 43-51 and col. 50, lines 13-25*).

5. As to claim 12, Poublon teaches a device record wherein said job count field (number of entries) indicates how many job records correspond to the device record (in the Job Control Structure) (*col. 56, lines 15-34*).

As to claim 13, Poublan teaches wherein said shared pointer (SUBFPCB Pointer) points to the device record (*col. 64, lines 30-63*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 5-7, 17, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pouban et al. (hereinafter Pouban) (US 4,104,718).

7. As to claim 1, Pouban teaches a method of providing multiple jobs for a device associated with a communication device (*col. 1, lines 34-44*), comprising:

providing a plurality of device records (files), wherein each of the device records corresponds to a device associated with the communication device (*col. 9, lines 14-19, col. 56, lines 35-55*);

providing a plurality of job records for at least one of the device records, wherein each of the job records contains at least some information (*col. 40, lines 1-19*); and

linking (pointer) the job records and the corresponding device record so that any one of the job records may be accessed by first accessing the corresponding one of the device records (*col. 41, lines 43-45*).

8. Pouban fails to explicitly teach that the job records contain information that is also provided in the corresponding one of the device records. However, it would have been obvious

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to one of ordinary skill in the art to have the job records contain information that is also provided (common) in the corresponding one of the device records because it would justify the job record belonging within the device record.

9. As to claim 5, Poublan teaches wherein at least one of the device records includes a pointer to one of the job records corresponding to an active job (*col. 12, lines 43-51 and col. 50, lines 13-25*).

10. As to claim 6, Poublan fails to explicitly teach wherein each of the job records includes information not found in other ones of the job records. However, it would have been obvious to one of ordinary skill in the art to combine the feature of job records including information not found in other ones of the job records because this prevents grouping uncommon information together in a job record, which increases organization.

11. As to claim 7, it is rejected for the same reasons as stated in the rejection of claim 1. In addition, Poublan teaches having identification for the pointers (*col. 10, lines 65-68 through col. 11, lines 1-13*).

12. As to claim 17, it is rejected for the same reasons as stated in the rejection of claim 1.

13. As to claim 21, it is rejected for the same reasons as stated in the rejection of claim 5.

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14. As to claim 22, it is rejected for the same reasons as stated in the rejection of claim 6.

15. As to claim 23, it is rejected for the same reasons as stated in the rejection of claim 7.

16. **Claims 2-4, 8-9, and 14-16, 18-20, and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pouban et al. (hereinafter Pouban) (US 4,104,718) in view of James (US 6,035,376).**

17. As to claim 2, Pouban teaches using pointers to link device records and job records (see rejection of claim 1). Pouban fails to explicitly teach providing one of a plurality of shared pointers in each of the job records and the corresponding one of the device records, wherein all of the shared pointers point to the corresponding one of the device records. However, James teaches using shared pointers, which increases efficiency by saving from using multiple copies (*col. 4, lines 52-56 and col. 6, lines 13-16*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the feature of shared pointers to Pouban's device communication system which also uses pointers in order to gain the benefit described above.

18. As to claim 3, Pouban fails to explicitly teach wherein linking the job records includes providing a forward pointer and a backward pointer for each of the job records. However, James teaches using a forward pointer and a backwards pointer for each job fields of records in order to

provide the advantage of allowing the data to be transferred immediately when it is available. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the feature of using forward pointers and a backward pointers to Poublan's device communication system which also uses pointers in order to gain the benefit described above.

19. As to claim 4, Poublan teaches wherein linking the job records also includes providing a pointer to one of the job records in the corresponding one of the device records (*col. 41, lines 43-45*).

20. As to claim 8, it is rejected for the same reasons as stated in the rejection of claim 2. In addition, Poublan teaches finding a free element on a job record array (*col. 3, lines 53-56*), copying constants from the device record to each of the job records (*col. 18, lines 45-51*); initializing job specific data for each of the job records (*col. 39, lines 30-65*); setting pointers for each of the job records (*col. 41, lines 43-45*); and incrementing a job counter by one for each of the job records (*col. 49, lines 26-27, col. 40, line 34*).

21. As to claim 9, Poublan teaches wherein finding a free element on a job record array includes determining if a free element exists and if a free element does not exist, posting an error (*col. 33, lines 37-52*).

22. As to claim 14, it is rejected for the same reasons as stated in the rejection of claims 2 and 10. In addition, Poublan teaches an id track table field (*e.g., col. 46, lines 19-21*).

23. As to claim 15, it is rejected for the same reasons as stated in the rejection of claim 3.
24. As to claim 16, it is rejected for the same reasons as stated in the rejection of claim 2.
25. As to claim 18, it is rejected for the same reasons as stated in the rejection of claim 2.
26. As to claim 19, it is rejected for the same reasons as stated in the rejection of claim 3.
27. As to claim 20, it is rejected for the same reasons as stated in the rejection of claim 4.
28. As to claim 24, it is rejected for the same reasons as stated in the rejection of claim 8.
29. As to claim 25, it is rejected for the same reasons as stated in the rejection of claim 9.

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- **Schoen (US 5,991,709)** teaches verifying data stored on a remote storage device whether it is consistent with the data stored on a local storage device.


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31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kt
12/1/04


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